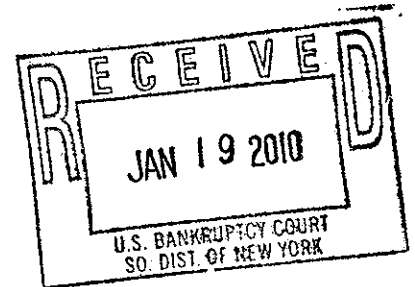


**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X
:
In re : Chapter 11 Case No.
:
LEHMAN BROTHERS HOLDINGS INC., et al., : 08-13555 (JMP)
:
Debtors. : (Jointly Administered)
:
:
-----X



PROTECTIVE/PROSPECTIVE/OBSTRUCTIVE NOTICE OF APPEAL
OF THE SETTLEMENT BETWEEN THE DEBTOR'S AND DR. DUMMKOPFER
AS ADMINISTRATOR OF LEHMAN BROTHERS BANKHAUS, AG(IN INSOLVENZ)

WHEREAS

1) THE DEBTOR CAUSED 2 MOTIONS TO BE FILED IN THE MIDDLE OF DECEMBER
AND RETURNABLE ON THE 13TH OF JAN, 2010

6269	12/17/2009	Motion to Strike : Debtors Motion to Strike William Kuntzs Notice of Appeal of Order Denying Relief U Rule of Civil Procedure 60(b) or, in the Alternative, to Dismiss William Kuntzs Appeal (related document filed by Shai Waisman on behalf of Lehman Brothers Holdings Inc.. with hearing to be held on 1/13/2010 at Courtroom 601 (JMP) Responses due by 1/6/2010, (Waisman, Shai)
		Debtor: Lehman Brothers Holdings Inc.
		Related: 5215
6252	12/16/2009	Motion to Strike : Debtors Motion to Strike William Kuntzs Notice of Appeal of the Order Authorizing Commercial Paper Inc. to Purchase Fairpoint Participation or, in the Alternative, to Dismiss William K Appeal filed by Jacqueline Marcus on behalf of Lehman Brothers Holdings Inc.. with hearing to be held on 1/13/2010 at 10:00 AM at Courtroom 601 (JMP) Responses due by 1/6/2010, (Marcus, Jacqueline)
		Debtor: Lehman Brothers Holdings Inc.

AND THAT RESPONDENT AT THE TIME HE RETURNED FROM THE BAHAMAS
DECIDED THAT THE FAIRPOINT APPEAL WAS FRAUGHT WITH PROBLEMS
INCLUDING THE OBTUSE DESCRIPTION OF THE ENTIRE TRANSACTION AND THAT
THE ENTIRE SUM AT RISK TO THE DEBTOR WAS A SMALL PERCENTAGE OF
THE AVAILABLE CASH, ELECTED TO DISMISS THE APPEAL WHICH WAS
DOCKETED IN LATE DECEMBER AND THAT FURTHER, THE CLERK OF THE

BANKRUPTCY COURT, HAD 1 DAY TRANSMITTED THE AUTOMATIC STAY
APPEAL PAPERS TO THE DISTRICT COURT < EX 1> PRIOR TO THE DEBTOR'S
MOTION <DOCKET 6269>

2) IN LATE DECEMBER, 2009, RESPONDENT HAVING DETERMINED THAT
THERE WAS NOTHING TO RESPOND TO, THE DEBTORS HAVING ROLLED
THE SAME OLD RUSTY CASE FROM OKLAHOMA ELECTED TO FILE
NOTHING. ON JAN 1, 2010 RESPONDENT RETURNED TO THE BAHAMAS.
MINDFULL OF THE PENDING RETURN DATE, RESPONDENT PLANNED A
RETURN TO NEW YORK ON THE 12TH OF JAN, 2010.

3) ON THE 6TH OF JAN, 2010 THE DEBTOR FILED

6519 1/6/2010 Notice of Withdrawal Without Prejudice (related document(s)[6269]) filed by Shai Waisman on behalf of Lei
(Waisman, Shai)
Debtor: Lehman Brothers Holdings Inc.

BUT DID NOT WITHDRAW THE FAIRPOINT MATTER.

ON THE 13TH OF JAN, 2010 THE FAIRPOINT MATTER WAS HEARD BY THE COURT.

4) DUE TO THE LONG DISTANCE THAT RESPONDENT HAD TRAVELED AND THE
ONGOING NATURE OF THIS CASE, RESPONDENT ELECTED TO REMAIN IN COURT
AND LISTED WITH GREAT INTEREST AS TO THE PROPOSED SETTLEMENT
WITH DR. DUMMKOPFER.

5) AS SET FORTH ON THE RECORD, RESPONDENT IS CONCERNED THAT THE
DEBTOR AND THE COURT IS NOT APPLYING THE PROPER STANDARD
IE THE PRUDENT MAN OR VERY PRUDENT MAN TEST TO THESE OUT OF PLAN
SETTLEMENTS. THEY APPEAR TO RESPONDENT TO BE NOTHINGMORE THAT

"YOU SCRATCH MY BACK AND AND I WILL OWE YOU A FAVOR" BETWEEN DEEP POCKET INSTUTIONS AND THE DEBTOR AND WITH THE CREDITORS COMMITTEE COMPROMISED BY A SKEWED MEMBERSHIP AND PROVIDING THE COURT WITH SUCH LIMITED GUIDANCE AS TO ILLUSTRATE THAT COUNSEL FOR THE COMMITTEE IS AWAKE AND IN COURT SPRINKLING OUT THE *MAGIC WORDS OF SUPPORT* TO ALLAY THE COURT'S CONCERN MOVANT WAS DISMAYED TO LEARN THAT THE DEBTOR INTENDED TO EXPEND WELL OVER A BILLION DOLLARS IN YET ANOTHER OUT OF PLAN FINANCIAL ADVENTURE.

6) RESPONDENT IS CONCERNED THAT AT THE ONGOING PACE, THAT THE ESTATE'S CASH ASSETS WILL SOON BE DEPLETED BY BOTH THE HUGE OUTLAY IN PROFESSIONAL FEE'S AND FAVORED SETTLEMENTS THAT IN DUE COURT MR MILLER OR MR KRASNOW WILL COME BEFORE THE COURT AND PLEAD THAT DESPITE THE BEST EFFORTS THE ESTATE HAS BECOME INSOLVENT AND MUST THEREFORE ENTER CH 7 LIQUIDATION LEAVING NOTHING FOR CREDITORS AND ALLOWING THE DEEP-POCKET MONEY CENTER BANKS TO CLEAR UP THE REMAINING LEHMAN ASSETS AT SUB-FIRE SALE PRICES. TO DATE, LEHMAN'S ESTATE, WHILE LARGE, DOES NOT APPEAR TO BE ANYTHING MORE THAT A WAREHOUSE OF BROKEN FINANCIAL PRODUCTS WITH A TASTE FOR UPSCALE REAL ESTATE¹.

¹ ROSE ISLAND, BAHAMAS
Another nail, same coffin

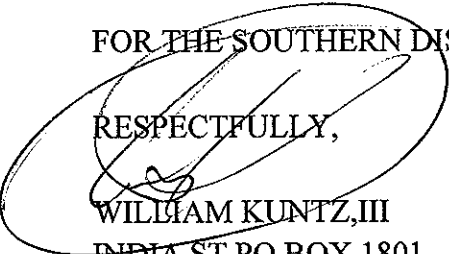
If the PM's assertion wasn't enough, the announcement that the man to have led the Rose Island Ritz-Carlton development has now moved to New Orleans may now remove all doubt about the project's demise.

"Russell Miller has been appointed general manager of The Ritz-Carlton, New Orleans," announced Ezzat Coutry, Senior Vice President for The Ritz-Carlton Hotel Company, LLC. last Friday.

7) NOTHING THAT RESPONDENT HAS SEEN IS AT ALL UNUSUAL, SUCH AS
THE NON-EXISTANT AFRICAN POWER PLANT BARGES IN **ENRON** OR
THE CREATIVE ACCOUNTING IN **WORLDCOM**

8) IN SO FAR AS THE DEBTOR HAD CALLED RESPONDENT BACK FROM THE
BAHAMAS AND IT APPEARS THIS IS FRAUGHT WITH RISKS, AND SO THAT
RESPONDENT WILL HAVE TIME TO STUDY THE PAPERS, HE HEREBY
FILES THIS NOTICE OF APPEAL TO THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK ON THIS, THE 16TH OF JAN, 2010.

RESPECTFULLY,


WILLIAM KUNTZ, III
INDIA ST PO BOX 1801
NANTUCKET ISLAND, MA 02554-1801
508-435-5858

It's good news for the Bahamian hotel exec, who once served as GM for Atlantis Harborside Resort as well as its One & Only Ocean Club.

More recently however, he was named GM of the same stalled Rose Island project that Bahamians were counting on to create hundreds of construction jobs starting this year.

Those dreams have since been dashed by the collapse of investment house Lehman Brothers, a key partner in the project, and the recent comments of Prime Minister Hubert Ingraham.

"They are broke," he said late last month, speaking to the fate of the \$700 million project.

"That is not going anywhere at the moment."

Miller's move to New Orleans adds weight to that observation, although late last October, he expressed optimism about the mixed-use development and its future.

"We're talking to other banking institutions, we're talking to some of the Canadian banks and we're also talking to some of the British banks," Miller told Guardian Business. "There are conversations happening across the board [and] we're looking at every opportunity possible."

The developers haven't yet offered further update....

Weil Gotshal & Manges LLP, 767 Fifth Avenue, New York, New York 10153, Attn: Richard P. Krasnow, Esq., attorneys for the Debtor

Office of the United States Trustee for the Southern District of New York, 33 Whitehall Street, 21st Floor, New York, New York 10004 Attn: Andy Velez-Rivera, Esq., Paul Schwartzberg, Esq., Brian Masumoto, Esq., Linda Riffkin, Esq., and Tracy Hope Davis, Esq.;

Milbank, Tweed, Hadley & McCloy LLP, 1 Chase Manhattan Plaza, New York, New York 10005, Attn: Dennis F. Dunne, Esq., Dennis O'Donnell, Esq., and Evan Fleck, Esq., attorneys for the Official Committee of Unsecured Creditors appointed in these cases

Dewey & Leboeuf LLP,
1301 Avenue of the Americas, New York, New York 10019 , Attn: Irena Goldstein, Esq., attorneys for the LBB InsAdmin, Dr Dummkopfer

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

In Re:
Lehman Brothers Holdings, Inc.

FROM: VITO GENNA, CLERK
UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

TO: J. MICHAEL MCMAHON, CLERK
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE: **Lehman Brothers Holdings, Inc.**
DATE OF FILING NOTICE OF APPEAL: 9/29/2009

**ORDER OF DISMISSAL
FOR
FAILURE TO PROSECUTE
BANKRUPTCY APPEAL**

09-CV-10226 PKC

USDS SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/22/09

BANKRUPTCY CASE: 08-13555 (JMP)

The above- referenced case is forwarded to District Court for possible dismissal. Petitioner has failed to pay the filing fee as required by:

- ☐ FRBP 8006
☐ Federal Rules of Civil Procedure (Rule _____)
☒ 28 U.S.C. 1930 (9), (16)- the requirement to pay a filing fee
☐ Rule 8007-1 from the Local Rules for The United States Bankruptcy Court Southern District of New York.

Dated: **December 16, 2009**
New York, New York

Internal Control #: 5307

Vito Genna, Clerk
U.S. Bankruptcy Court, SDNY

By: 
Deputy Clerk

ORDER

For the reason(s) set forth above, the appeal is deemed abandoned, and **IT IS THEREFORE ORDERED** that the appeal in the above-entitled action is hereby **DISMISSED**.

Dated 12-22-09
New York, New York


Judge, United States District Court

I hereby certify that I have this day forwarded a copy of this order to the Clerk of the Bankruptcy Court for the Southern District of New York.

District Court Document # _____

J. Michael McMahon, Clerk
District Court, SDNY

By: _____
Deputy Clerk